IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 307 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GSRTC

Versus

HARILAL CHHAGANLAL RATHOD THRO. SHIRISHBAHI BAVISHI

Appearance:

Ms.Roopal R. Patel for Petitioner

Mr.Kishor M. Paul for Respondent

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 11/01/2002

ORAL JUDGEMENT

Rule. Mr.Kishor M. Paul, learned advocate for the respondent, workman waives service of the rule.

2. The present petition is filed by Gujarat State Road Transport Corporation (hereinafter referred to as "the Corporation") has challenged the judgement and award

passed by the Labour Court, Jamnagar in Reference (LCJ) No.183 of 2000 dated 24.5.2001, whereby the learned Judge was pleased to reinstate the respondent workman on his original post with 20% back wages.

3. The case of the petitioner corporation is that the respondent workman was charged with the misconduct of absenteeism and the same was proved and therefore, the order of dismissal was passed against him, which was challenged before the Labour Court wherein the aforesaid award is passed.

4. After hearing the matter for some time and taking into consideration the rival contentions raised by both the sides it is deemed fit that if the aforesaid award of the Labour Court is substituted to the following effect the ends of justice would be met.

5. The order of reinstatement to stand. Back wages from 7.1.2000 to the date of reinstatement be paid at the rate of 20% and the respondent workman to visit with the penalty of stoppage of three increments without future effect. In the aforesaid terms the judgement and award of the Labour Court is modified.

6. The petition is allowed. Rule is made absolute to the aforesaid extent only. No order as to costs.

(Ravi R. Tripathi, J.)

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